IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.440/2006

Abdul Kalam S/o Jumma Khan
...defendant-appellant
Versus
Prahlad S/o late Onkar Mal & Others
...plaintiff-respondents

Date of Order ::: 08.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri M.M. Ranjan and
Shri Ashok Mishra, Counsel for appellant
Shri Shailesh Prakash Sharma, Counsel for respondents
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By the Court:-

Heard learned counsel for the parties.

The plaintiff-respondents filed a suit for possession in respect of disputed property after giving a notice under Section 106 of the Transfer of Property Act. The suit was decreed. The first appellate court affirmed the finding of the lower court.

I have heard learned counsel for both the parties and after considering their submissions I find that the controversial issues involved in the present case are relating to question of fact and there is concurrent finding of fact by both the courts below,

which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

//Jaiman//